

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re REFCO INC. SECURITIES LITIGATION : Case No. 07-MD-1902 (JSR)
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This Document Relates to:

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KENNETH M. KRYIS, et al., :
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 : Plaintiffs, : Case No. 08-CV-3065 (JSR)
 : Case No. 08-CV-3086 (JSR)
 :
 : -against- :
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 : CHRISTOPHER SUGRUE, et al., :
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 : Defendants. :
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ORAL ARGUMENT
REQUESTED

**DECLARATION OF CRAIG D. SINGER IN SUPPORT OF
MAYER BROWN LLP'S AND PAUL KOURY'S OPPOSITION TO
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT
AGAINST THE MAYER BROWN DEFENDANTS**

I, CRAIG D. SINGER, declare as follows:

1. I am a partner of the law firm Williams & Connolly LLP, attorneys for Defendant Mayer Brown LLP ("Mayer Brown") in the above-captioned matter. I am admitted *pro hac vice* to practice before this Court. I respectfully submit this declaration in support of Mayer Brown's and Paul Koury's Opposition to Plaintiffs' Motion for Partial Summary Judgment against the Mayer Brown Defendants.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the transcript of Mr. Santo Maggio's deposition of December 14, 2009.

3. Attached hereto as Exhibit 2 is a true and correct copy of MB02062153, a document produced in this litigation entitled Daily Transfer Information.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript of Mr. Kurt Niedhardt's deposition of October 6, 2008.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the transcript of Mr. Joseph Collins's deposition of January 7, 2010.

6. Attached hereto as Exhibit 5 is a true and correct copy of REFCO-S-0003013-17, a document produced in this litigation entitled Customer Statement, dated October 31, 1997.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the transcript of Mr. Robert Trosten's deposition of December 10, 2009.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the transcript of Mr. Joseph Collins's deposition of November 16, 2009.

9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the transcript of Mr. Robert Trosten's deposition of January 8, 2010.

10. Attached hereto as Exhibit 9 is a true and correct copy of REFCO-HC-0299066-REFCO-HC-0299074, a document produced in this litigation entitled Refco Group, Ltd. and Subsidiaries Consolidated Financial Statements As of February 29, 1992 Together with Auditors' Report.

11. Attached hereto as Exhibit 10 is a true and correct copy of Refco-S-0003362-Refco-S-0003366, a document produced in this litigation entitled Customer Statement and dated December 31, 1998.

12. Attached hereto as Exhibit 11 are true and correct copies of REFCO-S-0003777-REFCO-S-0003779, a document produced in this litigation entitled Statement of Account, and REFCO-S-0003289-REFCO-S-0003292, a document produced in this litigation entitled Statement of Account.

13. Attached hereto as Exhibit 12 is a true and correct copy of MBRM-E-00165120, a document produced in this litigation entitled Refco Group Holdings, Inc. Corporate Structure Feb-04.

14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the transcript of Mr. Santo Maggio's deposition of January 6, 2010.

15. Attached hereto as Exhibit 14 is a true and correct copy of Deposition Exhibit 2791, a letter dated June 2, 2006 addressed to Andrew Levander, Esq., and Guy Petrillo, Esq., at Dechert LLP, "Re: BAWAG P.S.K. and Osterreichischer Gewerkschaftsbund."

16. Attached hereto as Exhibit 15 is a true and correct copy of LC-CFTC 000358–LC-CFTC 407, a document produced in this litigation with the heading FedEx Express US Airbill addressed to Terry Pigott, Liberty Corner Cash Management, and sent by Santo Maggio, Refco Securities, with subsequent pages.

17. Attached hereto as Exhibit 16 are true and correct copies of GT P 0042970–GT P 0042980, a document produced in this litigation entitled Refco Group, Ltd. and Subsidiaries Consolidated Financial Statements As of February 28, 2002 Together with Auditors' Report; GT P 0025582–GT P 0025594, a document produced in this litigation entitled Refco Group, Ltd. and Subsidiaries Consolidated Financial Statements As of February 28, 2003 Together with Auditors' Report; and GT P 0130600–GT P 0130612, a document produced in this litigation entitled Refco Group, Ltd. and Subsidiaries Consolidated Financial Statements As of February 29, 2004 Together with Auditors' Report.

18. Attached hereto as Exhibit 17 is a true and correct copy of MB02060297–MB02060301, a document produced in this litigation entitled Facsimile Cover Sheet and dated October 28, 1997.

19. Attached hereto as Exhibit 18 is a true and correct copy of REFCO-HC 0018781–REFCO-HC 0018782, a document produced in this litigation entitled Assignment Agreement.

20. Attached hereto as Exhibit 19 is a true and correct copy of MB02171474–MB02171480, a document produced in this litigation that is dated July 12, 2002 and is addressed to DF Capital, Inc. “Re: Letter Agreement.”

21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the transcript of Mr. Earl Melamed’s deposition of November 13, 2009.

22. Attached hereto as Exhibit 21 are true and correct copies of MB02332811–MB02332816, a document produced in this litigation entitled Facsimile Cover Sheet and dated February 25, 2000; and MB02052087, a document produced in this litigation bearing the heading “Ricketts, Jim.”

23. Attached hereto as Exhibit 22 is a true and correct copy of the Expert Report of Professor Steven L. Schwarcz, dated August 14, 2012.

24. Attached hereto as Exhibit 23 is a true and correct copy of the Expert Report of Professor John C. Coates IV, dated August 14, 2012.

25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on November 9, 2012.

26. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on October 10, 2012.

27. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on November 6, 2012.

28. Attached hereto as Exhibit 27 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on October 23, 2012.

29. Attached hereto as Exhibit 28 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on October 25, 2012.

30. Attached hereto as Exhibit 29 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on October 11, 2012.

31. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on November 8, 2012.

32. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on November 16, 2012.

33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts from the transcript of trial proceedings in *United States v. Collins*, 07 Cr. 1170 (S.D.N.Y.), on November 7, 2012.

34. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from the transcript of Mr. Paul Koury's deposition of October 30, 2009.

Dated: Washington, D.C.
January 22, 2013

/s/ Craig D. Singer
Craig D. Singer
WILLIAMS & CONNOLLY LLP
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Attorney for Defendant Mayer Brown LLP